

IRP Staff Remarks

3/25/03 Panel staff persons Debbie Penha-Cumbermack and Carol Boersma met with Clive Mamby (Customer Service Manager/Records) and Dana Moss Sr. (CPA, WASD Assistant Director – Finance) to discuss accountability for water used in illegally subdivided houses. Panel staff asked Mr. Moss and Mr. Mamby if they would respond to the complaint in writing and they agreed.

Departmental Response – WASD Investigative Report The following is a summary from WASD's investigative report (dated 5/13/03):

- On 3/13/02 & 7/9/02, the meter at the complainant's address was disconnected for non-payment. A follow-up visit on 9/6/02 showed that the meter had been turned back on.
- On 10/31/02:
 - A Field Rep went to the property and removed the meter.
 - Maria Malakoff called Customer Service to apply for service. WASD records indicate that she advised the Customer Service Rep (#1) that there are five efficiencies and one house, and she is a tenant. She was advised that WASD "does not come between the owner and tenant." No application was taken.
 - Malakoff applied for service in person and provided a lease dated 6-3-02.
 - An order was created to open the account as of Ms. Malakoff's lease date 6-30-02.
 - Another order was created for a service verification of the property, since it was claimed that the meter served a house and five efficiencies.
- On 2/7/03, Malakoff called to request a high bill investigation. The following day, a service verification was performed and showed "a residence with apartment/efficiency which is now vacant." Malakoff told the Field Rep there is a tenant/landlord dispute ongoing. The account was coded with a restriction that indicated that the account must be in the owner's name.
- On 2/24/03, Angel Bravo called with a request to disconnect the meter on the property. He said the tenant was being evicted and he wants to avoid the bill getting higher. The following day, a Rep responded to the property to disconnect service, but was unsuccessful because Ms. Malakoff did not want the water turned off and requested cancellation of the disconnection order.

WASD concluded that when the inspection confirmed that the house contained efficiencies - the records were corrected, the account for Ms. Malakoff was closed, and a new account was opened in the name of the owner, Angel Bravo, as per Departmental Rules & Regulations. The water has remained on. The Department cannot charge Mr. Bravo for water usage after he requested that it be disconnected. In addition, the Department cannot accept an application from Ms. Malakoff, since she is not the owner. Departmental Rules and Regulations indicate that accounts with meters that serve more than one unit have to be in the owner's name. Eventually, the water will be cut for nonpayment.

IRP Staff Remarks:

After receiving the WASD investigative report on May 16, 2003, a copy of the report was sent to Ms. Malakoff. Since Ms. Malakoff's initial visit to the IRP, Panel staff has not heard from her. However, as a consequence of receiving this complaint and two similar ones, Panel staff scheduled a committee meeting to discuss all three complaints.

Committee Discussion IRP Panel members Heddy Peña and Chief John Ross co-chaired the committee meeting.

IRP ~ Carol Boersma clarified that the sole inquiry of Panel staff was how this complaint can be resolved so the property owner is held accountable for the water used by him and his family, as well as his tenants, rather than solely Ms. Malakoff. Ms. Peña inquired about the 3-month delay of the field inspection.

WASD ~ Mary Perez stated that Ms. Malakoff's application should never have been accepted; and that the initial Customer Service Rep acted in accordance with Departmental policy by not accepting Ms. Malakoff's application, since Ms. Malakoff indicated that the house was subdivided. The second Rep, however, did not. Ms. Perez said that the house appears on Property Records as a single family residence, and perhaps because Ms. Malakoff indicated otherwise, the second Rep ordered a field inspection. Ms. Perez stated that the field inspection order, created for service verification on 10/31/03, was not performed until 2/8/03, because the field personnel "have hundreds of field inspections that need to be done." However, the second Rep could have rushed the field inspection in order to verify the status of the residence.

IRP ~ Dr. Eduardo I. Diaz asked if someone requests service and departs the premise leaving a debt, does the debt become that of the new tenant.

WASD ~ Ms. Perez replied, the Department would only bill the new tenant for the period of time that person was in possession of the residence as indicated on the lease. The Department requests verification when an account has been closed out in someone else's name for non-payment.

Ms. Perez stated that the Department has to turn off the water, because they cannot bill the owner for the usage after he requested disconnection. Mr. Moss said that he would allow the water to remain on until the June 26, 2003 IRP meeting, and will provide notice to Ms. Malakoff.

Committee Findings: The committee found that:

1. The WASD account should not have been placed in any name other than that of the property owner, because the house was sub-divided. Departmental Rules and Regulations indicate that accounts with meters that serve more than 1-unit have to be in the name of the owner of record. The results of a "rushed" field inspection would have prompted Customer Service to place the bill in the property owner's name sooner and eliminated the complainant from ever being billed.
2. A field inspection was ordered on 10/31/02, but was not conducted until 2/8/03, three months later.

3. At the time (January 2003) Ms. Malakoff contested her bill, Customer Service could have forwarded the complaint to a supervisor to better research and inform the complainant of the problem, departmental policy, and proposed resolution.
4. WASD has gone above its call of duty, in allowing the water to remain on, pending the results of the investigation initiated by the Independent Review Panel (IRP). The IRP inquiry was to see if this complaint can be resolved so the property owner, Angel Bravo, is held accountable for the water used by him and his family, as well as his tenants, rather than solely Ms. Malakoff. After correctly putting the account in the owner's name, the Department's action to allow the water to remain on, to date, far exceeded what was asked or expected by IRP staff and the committee.

Committee Recommendations: The committee recommends that the Panel:

- 1) Ask Water & Sewer Department (WASD) Director William Brant to:
 - a) Provide the IRP with information regarding the average wait for field inspections, once an order has been created.
 - b) Consider creating a mechanism where field inspections take less time to be performed.
- 2) Ask WASD to implement a procedure where applicants, as in the case of Ms. Malakoff, are advised that they will be held responsible for water consumption from the lease date – when a residence has a history of unauthorized consumption and non-payment.

DISPOSITION OF THE INDEPENDENT REVIEW PANEL

Complainant: Maria Malakoff

Date: July 2, 2003

IRP Case: A2003.051

From: Eduardo I. Diaz, Ph.D.
Executive Director

The Independent Review Panel met on June 26, 2003 for the purpose of publicly reviewing the complaint made by Maria Malakoff against the Miami-Dade Water & Sewer Department (WASD) and the department's response to the complaint. The following represents the findings of the Panel:

A. Allegations

Ms. Malakoff turned the water on in her name on 10/31/02, but was billed from 6/3/02 to 1/21/03. Although Ms. Malakoff explained the aforementioned to a Customer Service Representative (Rep), WASD billed her from the date indicated on her lease (6/3/02), instead of the date she had the water turned on in her name (10/31/02).

B. Disposition of the Independent Review Panel

1. The WASD account should not have been placed in any name other than that of the property owner, because the house was sub-divided. Departmental Rules and Regulations indicate that accounts with meters that serve more than one unit have to be in the name of the owner of record. The results of a "rushed" field inspection would have prompted Customer Service to place the bill in the property owner's name sooner and eliminated the complainant from ever being billed.
2. A field inspection was ordered on 10/31/02, but was not conducted until 2/8/03, three months later.
3. At the time (January 2003) Ms. Malakoff contested her bill, Customer Service could have forwarded the complaint to a supervisor to better research and inform the complainant of the problem, departmental policy, and proposed resolution.
4. WASD has gone above its call of duty, in allowing the water to remain on, pending the results of the investigation initiated by the Independent Review Panel (IRP). The IRP inquiry was to see if this complaint can be resolved so the property owner, Angel Bravo, is held accountable for the water used by him and his family, as well as his tenants, rather than solely Ms. Malakoff. After correctly putting the account in the owner's name, the Department's action to allow the water to remain on far exceeded what was asked or expected by the IRP.

C. Panel Recommendations

- 1) Ask Water & Sewer Department (WASD) Director William Brant to:
 - a) Provide the IRP with information regarding the average wait for field inspections, once an order has been created.
 - b) Consider creating a mechanism where field inspections take less time to be performed.
- 2) Ask WASD to implement a procedure where applicants, as in the case of Ms. Malakoff, are advised that they will be held responsible for water consumption from the lease date – when a residence has a history of unauthorized consumption and non-payment.